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FEDERAL ELECTION  
COMMISSION

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BEFORE THE  
2016 MAY 16 AM 11:05  
FEDERAL ELECTION COMMISSION  
2016 MAY 17 PM 2:19

Craig Myers

Gridley, CA 95948 CELA

OFFICE OF GENERAL  
COUNSEL

Complainant,

v.

MUR # 7065

Joe Montes for Congress 2016  
2 Civic Center Drive  
Unit 4338  
San Rafael, CA 94913

Joseph Paul Montes  
1436 Broadway St.  
Chico, CA 95928

Steven J. Thompson

Biggs, CA 95917

Respondents.

### COMPLAINT

1. Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Joe Montes for Congress 2016 (the "Committee"), the principal campaign committee for Joe Montes, a candidate for Congress in California's first congressional district. For the reasons set forth below, Complainant believes that the Committee has violated the Federal Election Campaign Act and applicable regulations by failing to include a disclaimer in a mass mailing as required by 52 U.S.C. § 30120 and 11 C.F.R. § 110.11.

2. Complainant is a resident of Gridley, California, within the First Congressional District of California. On May 11, 2016, Complainant received a mailer from the Committee expressly advocating the election of Joe Montes. A true and correct copy of the mailer is attached as Exhibit A.

3. Complainant believes that the mailer constitutes a "mass mailing" under 52 U.S.C. § 30101(23) and 11 C.F.R. 100.27. Complainant is aware of other residents of the First District who have received an identical or substantially similar mailer from the Committee. In addition, the manner in which the envelope was addressed suggests that it was produced and sent as part of a bulk mailing through the U.S. Postal Service.

4. On this basis, Complainant believes that the mailer is a "public communication" from the Committee, 11 C.F.R. § 100.26, and is therefore subject to the disclaimer requirements imposed by 52 U.S.C. § 30120 and set forth in 11 C.F.R. § 110.11.

5. Section 110.11 requires all public communications to include a "clear and conspicuous" disclaimer that "clearly state[s] that the communication has been paid for by the authorized political committee." *Id.*, subd. (b)(1), (c)(1); *see also* 52 U.S.C. § 30120(a)(1) ("Whenever a political committee makes a disbursement for the purpose of financing any communication through any . . . mailing, . . . such communication" "shall clearly state that the communication has been paid for by" the committee).

6. Section 110.11 imposes several specific requirements on printed communications:

- (i) The disclaimer must be of sufficient type size to be clearly readable by the recipient of the communication. A disclaimer in twelve (12)-point type size satisfies the size requirement of this paragraph (c)(2)(i) when it is used for signs, posters, flyers, newspapers, magazines, or other printed material that measure no more than twenty-four (24) inches by thirty-six (36) inches.
- (ii) The disclaimer must be contained in a printed box set apart from the other contents of the communication.
- (iii) The disclaimer must be printed with a reasonable degree of color contrast between the background and the printed statement. A disclaimer satisfies the color contrast requirement of this paragraph (c)(2)(iii) if it is printed in black text on a white background or if the degree of color

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contrast between the background and the text of the disclaimer is no less than the color contrast between the background and the largest text used in the communication.

11 C.F.R. § 110.11(c)(2). See also 52 U.S.C. § 30120(c) (listing disclaimer requirements for printed communications).

7. The Committee's mailer failed to include any disclaimer whatsoever. As a result, Complainant believes that the Committee has violated 52 U.S.C. § 30120 and 11 C.F.R. § 110.11.

8. Complainant respectfully requests that the Federal Election Commission conduct an investigation into these allegations, declare the respondent to have violated the Federal Election Campaign Act and applicable FEC regulations, and impose sanctions appropriate to these violations and take such further action as may be appropriate.

Respectfully submitted,

*Craig Myers*  
Craig Myers

VERIFICATION

Craig Myers hereby verifies that the statements made in the attached Complaint are, upon information and belief, true.

Sworn pursuant to 18 U.S.C. § 1801.

Craig Myers  
Craig Myers

Sworn to and subscribed before me on \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

★ 100se Certificate  
attached ★

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

**GOVERNMENT CODE § 8202**

- ☒ See Attached Document (Notary to cross out lines 1-6 below)  
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

\_\_\_\_\_  
 Signature of Document Signer No. 1

\_\_\_\_\_  
 Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Butte

Subscribed and sworn to (or affirmed) before me

on this 16<sup>th</sup> day of May, 2016  
 by \_\_\_\_\_  
Date Month Year

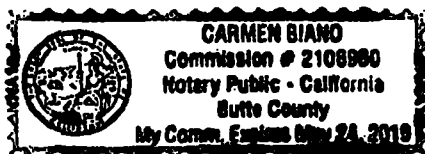
(1) Craig Myers

(and (2) \_\_\_\_\_),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Carmen Biano  
Signature of Notary Public



Seal  
 Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Verification Document Date: 05-16-16

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: NONE

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**JoeMontes**  
FOR CONGRESS 2016

...  
*Stand and be Counted.*  
331 Wall Street • Chico, CA 95928



48 SCH 5 DIGIT 95948 12

*Ashley & Craig Meyers*

*Bridley Ct 95948-9307*

*Exhibit A*



# Joe Montes

FOR CONGRESS 2016

*Stand and be Counted.*

April 25, 2016

Dear Neighbor,

My name is Joe Montes and I am a fellow North State resident and businessman from Chico. I am running as a Republican for Congress against career politician, Doug LaMalfa, because I believe Washington, D.C. is broken and has become completely unaccountable to the American people.

I'm a Constitution-minded former judge who believes that our Constitutional rights have been carelessly bargained away by the do-nothing Congress we currently have in office. For too long now, career politicians have been focused on preserving their power, profits, privileges and party - somewhere along the way they forgot the most important reason for serving in public office - *the People!*

As a veteran, and the only former prosecutor and former judge in this race, I believe we must now stand up to our government and reclaim our great nation!

I disagree with Doug LaMalfa on many issues. Here are just three examples:

**Corporate Welfare:** Doug LaMalfa voted for H.R. 749 which gave AmTrak, a multi-billion dollar private company, \$7.2 billion of our tax dollars. I am opposed to corporate welfare and I'm opposed to the government picking and choosing which businesses will succeed.

**Water:** Doug LaMalfa co-sponsored H.R. 5781 to transfer even more of our limited North State water down South. We must fight to keep all of our water because the drought is not over and we need it.

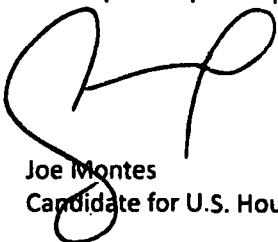
**Trade Promotion Authority:** Doug LaMalfa voted to give President Obama authority to negotiate trade agreements on behalf of the U.S. (H.R. 1314 and H.R. 2146). Why would any conservative give this President *any* greater deal-making authority? Immediately after receiving this authority, President Obama negotiated the Trans Pacific Partnership, perhaps the worst trade deal in American History.

Doug LaMalfa has been ineffective as a Congressman. As of this date, he hasn't sponsored a single bill that has become law since going to Congress nearly 3 ½ years ago.

I'm the only candidate in this race that has successfully negotiated multiple contracts with a large Fortune 250 Company that has brought many jobs to Chico. I want to bring more companies to the North State because we have one of the highest unemployment rates in the nation and we need jobs!

Your vote is necessary in this close race. For more information about me and my campaign please visit me at: MontesforCongress.com and on Facebook at: <https://www.facebook.com/montesforcongress/>

Thank you for your support.



Joe Montes  
Candidate for U.S. House of Representatives; 1st Congressional District

1-204-44-140MNT